

REMARKS

Claims 1-29 are pending in the instant application with Claims 19-29 being withdrawn from consideration. Claims 1-18 stand rejected. Applicants respectfully request entry of this Amendment since it clearly places the application in condition for allowance, and reduces the number of issues on appeal. Applicants also respectfully request reconsideration and allowance of this application.

The Final Office Action indicated that Claims 21-28 were withdrawn from consideration since they require a structural limitation. Applicants respectfully disagree. It is assumed that the structural limitation referred to in the Action is the reinforcement. Note that a reinforcement is recited in originally filed Claims 12-14. Applicants respectfully submit that it is improper (especially in a Final Rejection) to withdraw claims from consideration for reciting a structure found in finally rejected claims. No undue burden is placed upon the patent office for considering Claims 21-28 and such consideration is respectfully requested.

The rejection of Claim 1 under 35 U.S.C. 102(b) and Claims 1 and 19 under 35 U.S.C. 103(a) as being unpatentable over JP 54-33542, and the rejection of Claims 5, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over JP 54-33542 and further in view of Heimann et al (USPN 6,017,857) and Nec (USPN 4,983,449), are overcome by the proposed Amendment.

The rejection of Claims 2-4, 6-8, 10, 11, 13-18 and 20 under 35 U.S.C. 103(a) as being unpatentable over JP 54-33542, Lyons Jr. (USPN 5,263,287), Heimann et al. (USPN 6,017,857), Nec (USPN 4,983,449), Pacht et al (USPN 6,174,832) and Glorieux (USPN 5,399,189), is respectfully traversed.


This rejection relies upon Pacht et al. Pacht is not available as prior art under 35 U.S.C. 102(a) or (b). As set forth in 35 U.S.C. 103(c) and MPEP 706.02(l)(1), Pacht cannot be applied as prior art under 35 U.S.C. 102(c)/103 against the instant claims. In accordance with MPEP 706.02(l)(2), Applicant hereby states that:

**Application 09/776,362 and U.S. Patent No. 6,174,932 were, at the time the invention of Application 09/776,362 was made, owned by DeNovus LLC.**

Applicant, therefore, respectfully submits that Pacht is unavailable as prior art and, accordingly, a rejection including Pacht cannot stand. Applicants respectfully request withdrawal of this rejection.

Applicants believe that the pending claims define patentable subject matter and respectfully request issuance of a Notice of Allowability. Should there be any fee due in connection with this application, please charge the same to Deposit Account No. 15-0680 (ORSCHLN MANAGEMENT CO.). Should the Examiner deem that any further action on the part of Applicants would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



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MARKED UP VERSION SHOWING CHANGES MADE

Please cancel Claims 1, 5, 9, 12, 19, 20 and 29 without prejudice or disclaimer and with the right to file one or more continuing or divisional patent applications covering such subject matter.

ok to enter  
NKR  
Jan 13, 2003